

cc: VED

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FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

JAN 19 2006

at 6 o'clock and 45 min. M
SUE BEITIA, CLERK

Attorney for Defendant
KEITH IMAI

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,	)	Cr. No. 05-00189DAE-01
)	
Plaintiff,)	
	)	SUPPLEMENTAL DECLARATION OF
v.	)	COUNSEL IN SUPPORT OF MOTION
	)	TO COMPEL DISCOVERY;
KEITH IMAI,	)	CERTIFICATE OF SERVICE
(01))	
)	
Defendant.	)	Date : Jan. 23, 2006
	)	Time : 10:00 am
	)	Judge : Hon. Leslie E. Kobayashi
)	
)	

SUPPLEMENTAL DECLARATION OF COUNSEL
IN SUPPORT OF MOTION TO COMPEL DISCOVERY

1. I am the attorney for Defendant KEITH IMAI in the above-captioned case.
2. On May 26, 2005, Counsel filed a Written Request for Discovery and delivered a filed-stamped copy on the U.S. Attorney's office. To date the Government has complied with defendant's written request, and provided some discovery in the case related to witness statements, summaries of intercepted telephone calls, and related information.
3. On June 22, 2005, the Government filed a Motion to Declare Case

Complex, which was subsequently granted without opposition from the defense. On or about that time the Government also informed Counsel that it would be seeking a Superseding Indictment in the case that would likely include a separate forfeiture count against defendant Imai's Hilo family residence.

4. On Sept. 27, 2005, Counsel filed defendant Imai's Motion to Compel Discovery. That Motion was continued on several occasions by agreement of the parties, and is now set for Monday, Jan. 23, 2006 at 10am before the Hon. Leslie E. Kobayashi.

5. Counsel is informed, however, that the Government still intends to seek a Superseding Indictment that will include additional counts against defendant, including forfeiture of the Hilo family home, and will likely be seeking a continuance of the trial date.

6. Counsel is requesting, in addition to the items outlined in the original Motion to Compel, that the Court order the Government to also provide defendant Imai with any and all documentary evidence supporting the Government's forfeiture claim against defendant Imai's Hilo family residence.

7. Absent disclosure by the Government regarding the items previously requested and the additional forfeiture related documents, the counsel cannot properly prepare for trial.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on Jan. 19, 2006.

A handwritten signature in black ink, appearing to read 'Myles S. Breiner', written over a horizontal line.

MYLES S. BREINER

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,	)	Cr. No. 05-00189DAE-01
)	
Plaintiff,)	
)	
v.)	
)	
KEITH IMAI,	)	CERTIFICATE OF SERVICE
(01))	
)	
Defendant.)	
_____)	

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the foregoing motion was served by hand
delivering or mailing a copy of same, duly stamped, postage prepaid, from the United States
Post Office at Honolulu, Hawaii, on the date of filing of said motion to:

TO: CHRIS THOMAS
Assistant United States Attorney
6100 PJKK Federal Building
300 Ala Moana Boulevard
Honolulu, Hawaii 96813

DATED: Honolulu, Hawaii, Jun 19, 2006.



MYLES S. BREINER